IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.8531 OF 2005

Sunil Lazrous Anthony ...Applicant.

V/s

The State of Maharashtra ....Respondent.

Mr. J.R. Mithare with Mr. Jayesh Kocheta for the applicant.

Ms. S.D. Shinde, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 1st February, 2006

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant was arrested on 5/12/2005 on a complaint which was lodged by the Senior Manager, Central Bank of India, Yerwada Branch, Pune on 28/11/2005 against the applicant and eight others for the offence punishable under sections 420, 406, 201, 467, 468 read with section 34 of the Indian Penal Code. After this complaint was filed by the Senior Manager of the Central Bank of India, several other complaints were filed by the Managers of other Banks against the present applicant. Similar complaints have also been lodged by several other persons in

respect of the same transaction.

3. In the complaint, it is alleged that the applicant had entered into an agreement with the flat purchasers and had assured them that they would be allotted a particular flat in the buildings which were to be constructed by the applicant and on the basis of the said agreement obtained loans from various banks. It is alleged that the applicant obtained loans from several Banks for the same flat. It is further alleged that the same flat was sold by the applicant to more than one person.

4. The learned Counsel for the applicant submitted that the entire amount which has been given by the Bank is secured since the entire property has been seized. It is submitted that the since the offence alleged is of cheating and forgery the continuous presence of the applicant in jail was not necessary.

5. It is not possible to accept the submissions made by the learned Counsel appearing on behalf of the applicant. The material which is shown to this Court by the learned APP indicates that the applicant has duped several persons and several banks and the property has not yet been developed and it is not sure

as to whether there are any other documents or material which can be recovered from the applicant. Considering the statements of witnesses and looking at the gravity and seriousness of the offence and also considering the fact that the entire amount which was paid to the applicant has not been recovered, in my view, this is not a fit case for grant of bail.

Application for bail is, therefore, rejected.

V.M. KANADE, J.